

UNITED STATES DISTRICT COURT

NORTHERN

District of

WEST VIRGINIA

UNITED STATES OF AMERICA

v.

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

U.S. DISTRICT COURT
FILED AT WHEELING, WV
AUG 20 2012
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

LAWRENCE E. WEST, aka "LARRY",
aka "LARZZ02", aka "MARSHMEL56"

Case Number: 5:04CR27

USM Number: 04870-087

Brendan S. Leary

Defendant's Attorney

Date of Original Judgment: _____
(Or Date of Last Amended Judgment)

Reason for Amendment:

- | | |
|---|---|
| <input type="checkbox"/> Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2)) | <input type="checkbox"/> Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e)) |
| <input type="checkbox"/> Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b)) | <input type="checkbox"/> Modification of Imposed Term of Imprisonment for Extraordinary Compelling Reasons (18 U.S.C. § 3582(c)(1)) |
| <input type="checkbox"/> Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a)) | <input type="checkbox"/> Modification of Imposed Term of Imprisonment for Retroactive to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2)) |
| <input checked="" type="checkbox"/> Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36) | <input type="checkbox"/> Direct Motion to District Court Pursuant to <input type="checkbox"/> 28 U.S.C. § 2255 or <input type="checkbox"/> 18 U.S.C. § 3559(c)(7) |
| <input type="checkbox"/> Change in circumstances and recommendations to the Bureau of Prisons | <input type="checkbox"/> Modification of Restitution Order (18 U.S.C. § 3664) |

THE DEFENDANT:

X admitted guilty to violation of condition(s) special conditions (Violation Nos. 1 and 2) of the term of supervision.

X was found in violation of condition(s) mandatory and special conditions (Violation No. 3) after denial of guilt.

The defendant is adjudicated guilty of these violations:

* Violation Number	Nature of Violation	Violation Ended
1	Possession and Use of Pornography	07/16/2012
2	Unauthorized Association With a Minor	07/16/2012
3	Law Violation - Sexual Contact With a Minor & Unauthorized Association With a Minor	07/10/2012

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

* X The defendant has not violated condition(s) No. 4 of the Petition and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 20, 2012

Date of Imposition of Judgment

Fredrick P. Stamp, Jr.
Signature of Judge

FREDERICK P. STAMP, JR., U.S. DISTRICT JUDGE

Name and Title of Judge

August 20, 2012
Date

DEFENDANT: LAWRENCE E. WEST, aka "LARRY", aka "LARZZ02", aka "MARSHMEL56"
CASE NUMBER: 5:04CR27

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Twelve (12) Months.

- ☒ The court makes the following recommendations to the Bureau of Prisons:
- ☒ That the defendant be incarcerated at a facility as close to his home in Triadelphia, Ohio County, West Virginia as possible;
- ☒ and at a facility where the defendant can participate in mental health counseling and treatment, as determined by the Bureau of Prisons.
- ☐ That the defendant be allowed to participate in any educational or vocational opportunities while incarcerated, as determined by the Bureau of Prisons.
- ☐ Pursuant to 42 U.S.C. § 14135A, the defendant shall submit to DNA collection while incarcerated in the Bureau of Prisons, or at the direction of the Probation Officer. (DNA previously collected on 07/02/2008)
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.
- ☐ on _____, as directed by the United States Marshals Service.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: LAWRENCE E. WEST, aka "LARRY", aka "LARZZ02", aka "MARSHMEL56"
CASE NUMBER: 5:04CR27

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : Forty-Eight (48) Months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The above drug testing condition is suspended, based on the court's determination that this condition has been satisfied during a previous term of supervision. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer unless previously collected by the Bureau of Prisons. (Check, if applicable.)
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et. seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: LAWRENCE E. WEST, aka "LARRY", aka "LARZZ02", aka "MARSHMEL56"
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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a program of mental health counseling and treatment, including counseling to address anger management, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.

The defendant shall participate in a program of sex offender counseling and treatment which may include assessment and evaluation, psychotropic medication, and group and/or individual counseling, until such time as the defendant is released from the program by the Probation Officer.

The defendant shall not possess or use any computer or other device to access any online computer service at any location (including employment).

The defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Officer. The Probation Officer shall provide the state officials with any and all information required by the state sex offender registration agency, and may direct the defendant to report to that agency in person for additional processing, such as photographing and fingerprinting.

The defendant shall consent to a third party disclosure to his employer in regards to his computer restriction.

The defendant shall not reside in a residence where children under the age of eighteen are residing, except with written permission of the Probation Officer.

The defendant shall not associate with children under the age of eighteen, except in the company of a responsible adult who is fully aware of the defendant's background, and who has been approved by the Probation Officer.

The defendant is prohibited from places where minor children may congregate, including schools, daycare centers, playgrounds, residences and parks.

The defendant shall neither use nor enter any establishment where pornography or erotica can be obtained or viewed.

The defendant shall submit his person, residence, vehicle or space that is under his control to a search, from time to time, conducted by any probation officer, without a warrant and upon reasonable suspicion. Failure to submit to a search may be grounds for revocation of supervision. The defendant shall warn other residents or occupants that such residence, vehicle or space that is under the defendant's control is subject to searches pursuant to this condition.

The defendant shall be required to submit to a polygraph examination, as a component of treatment, whenever required to do so by the Probation Officer.

The defendant shall consent to the U.S. Probation Office conducting periodic unannounced examinations of his/her computer system(s), which shall include any computer system(s) on the premises of his residence or employment, whether or not owned by the defendant, which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on his/her computer(s), which shall include any computer system(s) on the premises of his residence or employment, whether or not owned by the defendant, at the defendant's expense, any hardware/software to monitor his/her computer use or prevent access to particular materials. The defendant hereby consents to periodic inspection of any such installed hardware/software to insure it is functioning properly.

The defendant shall provide the U.S. Probation Office with accurate information about his/her entire computer system (hardware/software); all passwords used to access any computer system(s) identified by the U.S. Probation Office; and the defendant's Internet Service.

The defendant shall participate in the district's Computer Monitoring Program and abide by all special conditions therein and shall pay any costs associated with the program.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These standard and/or special conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant's Signature

Date

Signature of U.S. Probation Officer/Designated Witness

Date